

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

In re: § Case No. 23-70170-M-11  
§  
MICHAEL KEITH CANO §  
Debtor. § Chapter 11

MOTION TO WITHDRAW AS COUNSEL

**THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTIONS SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.**

**REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.**

**EXPEDITED RELIEF REQUESTED BY JUNE 7, 2024 at 2 PM.**

TO: THE HONORABLE EDUARDO RODRIGUEZ, UNITED STATES BANKRUPTCY JUDGE:

COMES NOW Antonio Martinez, Jr., Attorney of Record for Debtor Michael Keith Cano, and files this Motion to Withdraw As Counsel and in support thereof states as follows:

1. On or about August 29, 2023 Debtor filed a voluntary petition (the "Bankruptcy Petition") for relief under chapter 11 of title 11 of the United States Bankruptcy Code, 11 U.S.C. §§ 101–1532 (as amended, the "Bankruptcy Code"), which initiated the above-referenced case (the "Bankruptcy Case").
2. The Debtor filed a Plan and Disclosure Statement on December 26, 2023.
3. The Debtor filed an Amended Plan and Disclosure Statement on March 28, 2024.

4. The Debtor filed a Second Amended Plan and Disclosure Statement on May 1, 2024 which was approved and a June 17, 2024 date was set for hearing on confirmation of the plan.
5. Thereafter, on May 10, 2024 the Debtor filed an Amended Plan.
6. The Texas Disciplinary Rules of Professional Conduct 1.15 states in relevant part:

“(b) Except as required by paragraph (a), a lawyer shall not withdraw from representing a client *unless*:

  - (1) withdrawal can be accomplished without material adverse effect on the interests of the client;
  - (2) the client persists in a course of action involving the lawyer's services that the lawyer reasonably believes may be criminal or fraudulent;
  - (3) the client has used the lawyer's services to perpetrate a crime or fraud;
  - (4) a client insists upon pursuing an objective that the lawyer considers repugnant or imprudent or with which the lawyer has fundamental disagreement;
  - (5) the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services, including an obligation to pay the lawyer's fee as agreed, and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled;
  - (6) the representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client; *or*
  - (7) other good cause for withdrawal exists.”

(“The Rule”), TEX. DISCIPLINARY R. PROF. CONDUCT 1.15. (emphasis added)
7. Counsel would argue to the Court that subparagraphs 4, 5, and 6 provide him with the basis for this motion. Counsel believes, upon information, that Debtor has an unconfirmable plan and has informed Client of the basis. Client insists on arguing for the plan or a modified plan at the June 17, 2024 hearing. Counsel argues against that approach and he has reached an *impasse* on this matter with Debtor.
8. Counsel believes that the Court may allow Client sufficient time to hire new

counsel to represent his interests in this case and that withdrawal can be accomplished without material adverse effect on the interests of the client.

9. This motion is filed on an expedited basis because the Court has set Monday, June 10, 2024 as the deadline to file objections to confirmation of Debtor's Plan.

WHEREFORE, PREMISES CONSIDERED, Counsel for Debtor Michael Cano, Antonio Martinez, Jr., prays that the Court allow him to withdraw as counsel for Debtor in this case.

Dated: June 5, 2024

Respectfully submitted,

/s/ Antonio Martinez

Antonio Martinez, Jr. (TBN 24007607)

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**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing document was forwarded to the *following* persons, as well as those persons required to receive notice of the relief requested and/or who have requested to be served by any applicable Bankruptcy Rule, by first class mail, postage prepaid, and/or electronic transmission on June 5, 2024

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20 Largest Unsecured Creditors

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/s/ Antonio Martinez, Jr. \_\_\_\_\_  
Antonio Martinez, Jr.